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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,623	12/03/2001	Craig Burfeind	702.500-CNT1	1581

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EXAMINER

WASHBURN, DOUGLAS N

ART UNIT	PAPER NUMBER
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2863

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07/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/004,623	Applicant(s) BURFEIND ET AL.	
	Examiner DOUGLAS N. WASHBURN	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-23 and 30-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-23 and 30-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

- 1 Applicant has cancelled claims 1-17, 24-29 and 35-69.

Response to Arguments

- 2 Applicant's arguments with respect to claims 18-23 and 30-34 have been considered but are moot in view of the new grounds of rejection.

The indicated allowability of claims 18-23 and 30-34 is withdrawn in view of the newly discovered reference to receiving weather reports. Rejections based on the newly cited reference follow.

Claim Rejections - 35 USC § 102

- 3 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 18-23 and 30-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Jones et al. (US 6,542,825) (Hereafter referred to as Jones).

Jones teaches:

Regarding claim 18, receiving natural phenomena data from a source (a weather data source 34 such as NEXRAD weather data; column 7, lines 31 and 32);

Regarding claim 18, receiving predetermined criteria for selecting natural phenomena data (**weather phenomenon** or other condition affecting its location on the ground; column 5, lines 49 and 50), wherein the predetermined criteria comprises information that describes personal preference data of a subscriber (a database for storing a **spotter's name, geographic location, and other user definable information** pertaining to the identity of and capability of each remote spotter; column 5, lines 41-44);

Regarding claim 18, selecting a portion of the natural phenomena data based on the predetermined criteria (insert **a detailed message body that explains or describes the weather conditions** occurring at ground level at its geographic location; column 5, lines 52-55);

Regarding claim 18, transmitting the portion to at least one destination device (The electronic message may then be instantly transmitted to **a server system remote** from the spotter and the remote systems where the message is routed to the one or more remote systems interested in receiving the message; column 5, lines 55-58);

Regarding claim 19, receiving natural phenomena data occurs before receiving predetermined criteria for selecting natural phenomena data (non-ground level meteorological **data is preferably received from a source such as radar** by remote systems having a weather display system that provides a graphical display of the weather phenomenon together with the geographic area affected by the weather phenomenon; column 5, lines 24-29);

Regarding claim 20, before transmitting, receiving predetermined criteria identifying at least one destination device, and where transmitting further comprises encoding the portion compliant to the destination device medium capabilities, features, and functions (the weather display system is connected to a distribution network such as the Internet and includes a database for storing a spotter's name, geographic location, and other user definable information pertaining to the identity of and capability of each remote spotter; column 5, lines 40-44);

Regarding claim 21, the predetermined criteria further describes at least one activity and the predetermined activity further comprises: at least one sensitivity to natural phenomena (When the remote system user is a television broadcast meteorologist, the ground level **weather data** provided in the electronic message may be combined with the non-ground level weather data being received by the weather display system from radar or some other source to provide the viewing public with a substantially complete picture of the weather conditions affecting the geographic area occupied by the remote spotter; column 6, lines 13-21);

Regarding claim 21, a schedule of the at least one activity (The meteorologist may then manually **direct that spotter's icon to blink or otherwise indicate** to the viewing audience the geographical location of the spotter presently on the air; column 6, lines 36-39);

Regarding claim 21, at least one geographic location of the at least one activity (the **geographic area** occupied by the remote spotter; column 6, lines 20 and 21);

Regarding claim 22, the portion further comprises multimedia data (Both the remote sensing units and remote systems preferably employ computer systems, personal digital assistants, and other consumer communication devices to access a distribution network 30, such as the Internet, through which the **electronic messages** are routed; column 7, lines 15-19);

Regarding claim 23, the destination device includes one or more devices selected from the group consisting of a telephone, a voicemail system, a pager, a multimedia-enabled computer, an email system, a computer display monitor, a personal digital assistant, and a personal communication system phone (Both the remote sensing units and remote systems preferably employ **computer systems**, personal digital assistants, and other consumer communication devices to access a distribution network 30, such as the Internet, through which the electronic messages are routed; column 7, lines 15-19);

Regarding claim 30, a receiver of natural phenomena data (remote systems 24, 26 and 28 preferably receive weather data from a weather data source 34, such as NEXRAD weather data; column 7, lines 30-32);

Regarding claim 30, a receiver of predetermined criteria for selection of natural phenomena data, wherein the predetermine criteria comprises information further comprises personal preference data of a subscriber (weather display system 32 for use by TV remote systems 24 while a RADAR-NET.RTM. weather display system, or other system having RADAR-NET.RTM. functionality, is preferably employed in EMA remote systems 26; column 7, lines 61-64);

Regarding claim 30, a selector of the portion of the natural phenomena data based on the predetermined criteria, communicatively connected to the receiver of natural phenomena data and the receiver of predetermined criteria (Server system 20 preferably automatically receives and routes the electronic messages to remote systems 24, 26 and/or 28, and if desired to the other remote sensing units 12, 14 and/or 18 communicating with system 10; column 8, lines 39-43);

Regarding claim 30, at least one transmitter communicatively connected between the selector and at least one destination device (weather display systems 32 of TV remote systems 24, EMA remote systems 26, and other remote systems 28 receive non-ground level meteorological data from weather data source 34 and/or real-time weather data source 40; column 8, lines 3-7);

Regarding claim 31, a receiver of predetermined criteria of at least one destination device, communicatively coupled between the selector and the transmitter, and wherein the transmitter encodes the portion compliant to the capabilities, features, and functions of the destination device medium and transmits the encoded portion to the destination device (Server system 20 is preferably a centrally located, Windows.RTM. 95, 98, 2000 or NT based, TCP/IP server system configured to receive and route electronic messages; column 7, lines 7-10);

Regarding claim 32, the predetermined criteria further describes at least one activity and the predetermined activity further comprises at least one sensitivity to natural phenomena (When the remote system user is a television broadcast meteorologist, the ground level **weather data** provided in the electronic message may be combined with the non-ground level weather data being received by the weather display system from radar or some other source to provide the viewing public with a substantially complete picture of the weather conditions affecting the geographic area occupied by the remote spotter; column 6, lines 13-21);

Regarding claim 32, a schedule of the plurality of activities (The meteorologist may then manually **direct that spotter's icon to blink or otherwise indicate** to the viewing audience the geographical location of the spotter presently on the air; column 6, lines 36-39);

Regarding claim 32, at least one geographic location associated with each of the plurality of activities (the **geographic area** occupied by the remote spotter; column 6, lines 20 and 21);

Regarding claim 33, the portion further comprises multimedia data (Both the remote sensing units and remote systems preferably employ computer systems, personal digital assistants, and other consumer communication devices to access a distribution network 30, such as the Internet, through which the **electronic messages** are routed; column 7, lines 15-19);

And regarding claim 34, the destination device includes one or more devices selected from the group consisting of a telephone, a voicemail system, a pager, a multimedia-enabled computer, an email system, a computer display monitor, a personal digital assistant, and a personal communication system phone (Both the remote sensing units and remote systems preferably employ **computer systems**, personal digital assistants, and other consumer communication devices to access a distribution network 30, such as the Internet, through which the electronic messages are routed; column 7, lines 15-19).

Conclusion

4 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas N. Washburn whose telephone number is (571) 272-2284. The examiner can normally be reached on Monday through Thursday 6:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow can be reached on (571) 272-2269.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DNW

/John E Barlow Jr./
Supervisory Patent Examiner, Art
Unit 2863